

REMARKS

Reconsideration of this application courteously is solicited without further amendment to the claims. Independent claims 38 and 39 remain pending and active.

With respect to the February 26, 2007 Office Action, the Action begins with a new requirement for election of species. Claims 38 and 39 both were held as generic to all alleged species. Both claims 38 and 39 are active. In compliance with the Examiner's requirement, election of "Species 1 wherein the epitaxial layer is grown by the HVPE method to form an ingot" is made hereby.

Next, claims 38 and 39 again were rejected as purportedly obvious over U. S. Patent No. 6,270,569 to Shibata et al. in view of U. S. Patent No. 5,962,915 to Young et al. This rejection is traversed.

Applicants' Response of December 18, 2006 succinctly submitted:

"The rejection of claims 38 and 39 is overcome by reliance upon Applicants' claim for priority. In particular, Applicants rely upon their priority case P1998-102546 which was filed in Japan on April 14, 1998. The April 14, 1998 filing date predates the effective date of Shibata et al. as a reference, which is no earlier than June 5, 1998. If the Examiner so requires, Applicants will provide an English translation of priority application P1998-102546. In the meantime, the rejection of claims 38 and 39 over the alleged combination of Shibata et al. and Young et al. is traversed by reason of disqualifying Shibata et al. as a reference against the present claims."

For reasons unknown, no mention of this traversal was made in the final Action of February 26, 2007. Since the filing of the December 18th Response, a verified translation of 1998-102546 has become available. It is submitted herewith. Shibata et al. thus is removed as a reference, and the rejection based thereon is overcome.

In view of the foregoing Remarks, it courteously is urged that both of the active claims are allowable. Hence, allowance of this application courteously is solicited.

Respectfully submitted,

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